



February 20, 2009

SENATE BILL No. 349

DIGEST OF SB 349 (Updated February 19, 2009 9:18 am - DI 104)

Citations Affected: IC 16-28.

Synopsis: Study of health facility dispute resolution and surveyor training. Requires the health finance commission to study during the 2009 the following: (1) the need for appropriate and uniform training for state department of health employees who inspect health facilities; and (2) whether the state department should establish a third party dispute resolution process for health facility appeals of survey report findings.

Effective: July 1, 2009.

Charbonneau, Lawson C

January 8, 2009, read first time and referred to Committee on Health and Provider Services.
February 19, 2009, amended, reported favorably — Do Pass.

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SB 349—LS 6795/DI 104+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 349

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-28-1-13, AS AMENDED BY P.L.1-2006,
2 SECTION 299, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) Licensure inspections of
4 health facilities shall be made regularly in accordance with rules
5 adopted under this chapter. The division shall make all health and
6 sanitation inspections. The division of fire and building safety shall
7 make all fire safety inspections. The council or the director may
8 provide for other inspections necessary to carry out this chapter.
9 (b) The exact date of an inspection of a health facility under this
10 chapter may not be announced or communicated directly or indirectly
11 to the owner, administrator, or an employee of the facility before the
12 inspection. An employee of the state department who knowingly or
13 intentionally informs a health facility of the exact date of an inspection
14 shall be suspended without pay for five (5) days for a first offense and
15 shall be dismissed for a subsequent offense.
16 (c) Reports of all inspections must be:
17 (1) in writing; and

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1 (2) sent to the health facility.

2 (d) The report of an inspection and records relating to the inspection
3 may not be released to the public until the conditions set forth in
4 IC 16-19-3-25 are satisfied.

5 (e) **During the 2009 interim, the health finance commission**
6 **established by IC 2-5-23-3 shall study the following:**

7 (1) **The need for appropriate and uniform training of state**
8 **department employees whose job duties include inspection of**
9 **health facilities.**

10 (2) **Whether the state department should establish a third**
11 **party dispute resolution process for a health facility to use**
12 **when a health facility appeals a state department finding in**
13 **the health facility's survey report.**

14 **This subsection expires December 31, 2009.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 5, delete "Before an employee of the state department, whose job duties" and insert "**During the 2009 interim, the health finance commission established by IC 2-5-23-3 shall study the following:**

(1) **The need for appropriate and uniform training of state department employees whose job duties include inspection of health facilities.**

(2) **Whether the state department should establish a third party dispute resolution process for a health facility to use when a health facility appeals a state department finding in the health facility's survey report.**

This subsection expires December 31, 2009."

Page 2, delete lines 6 through 8.

and when so amended that said bill do pass.

(Reference is to SB 349 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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